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EXAMINER

MENDOZA JR, JORGE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,073	Applicant(s) KARAOGUZ ET AL.	
	Examiner JORGE MENDOZA JR	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims **1 - 40** are presented for Examination.
2. Claims **1-22, 25-27, 29-37, and 39-40** have been amended.

Drawings

3. The drawings were received on 02/26/2008. These drawings are accepted by the Examiner.

Response to Arguments

4. Applicant's arguments with respect to claims **1, 11, 21, 32, & 39** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1-3, 9-13, 19-23, 29-33, & 35-40** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al. (US Patent No. 6,774,926)**.

With respect to Claim **1**, the claimed “establishing a private television channel to be showed by a first television at a first home and a second television at a second home” is met by Ellis et al. that teach the use of user equipment 34 (consisting of a television, set-top box, HDTV, Web TV, etc.) at a first location in creating content for a personal channel to be viewed by user equipment 34 at a number of 2nd locations. (*Fig. 1 & 3; col. 1, lines 26-30; and col. 3, lines 19-33*). The claimed “**wherein said private channel may be pushed to one or both of said first and/or second televisions at said first and second homes, respectively;**” is met by Ellis et al. that teach the distribution of a private channel from a 1st location to a number of 2nd locations in a variety methods, including providing the media within the private channel in real-time, according to a scheduled broadcast, or on demand to viewers (*Figs. 1&3; col. 5, lines 33-35; col. 7, lines 38-47; col. 8, lines 27-36; col. 10, lines 9-11 & 17-33; col. 13, lines 54-55*).

The claimed “and associating personal media with said private television channel” is met by Ellis et al. that teach the creation of a personal television channel consisting of personal media, including videos that may be captured using video camera 66 of user television equipment 36 (*Fig. 1& Fig. 3; col. 3, lines 19-29; and col. 5, lines 24-35*).

With respect to Claim **2**, the claimed “comprising displaying said personal media along with content of a media broadcast on one or both of said first television and/or said second television” is met by Ellis et al. that teach the use of television 72 in displaying programming from both traditional television channels and from personal television channels (*col. 5, lines 45-48*).

With respect to Claim **3**, the claimed “comprising communicating at least a portion of said associated personal media over said private television channel between said first television and said second television” is met by Ellis et al. that teach transmittal of personal media from a contributor at user television equipment 122 to a viewer at user television equipment 124 on an on-demand or real-time schedule (*Fig.8 and col.8, lines 18-26*).

With respect to Claim **9**, the claimed “comprising presenting a representation of said private television channel in a channel guide displayed on one or both of said first television and/or said second television” is met by Ellis et al. that teach the use of a channel guide for presenting to a viewer the scheduling of the personal television channel programs (*col. 8, lines 37-49*).

With respect to **Claim 10**, the claimed “comprising presenting a representation of said associated personal media for said private television channel in a media guide displayed on one or both of said first television and/or said second television” is met by Ellis et al. that teach the use of an interactive television program guide in presenting on a second television program title information 136 for personal television channel programs (*Fig.9 and col.9, lines 16-26*).

Claim **11** is met as previously discussed with respect to Claim **1**.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **19** is met as previously discussed with respect to Claim **9**.

Claim **20** is met as previously discussed with respect to Claim **10**.

Claim **21** is met as previously discussed with respect to Claim **1**.

Claim **22** is met as previously discussed with respect to Claim **2**.

Claim **23** is met as previously discussed with respect to Claim **3**.

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **10**.

Claim **31** is met as previously discussed with respect to Claim **1**.

Claim **32** is met as previously discussed with respect to Claim **1**.

Claim **33** is met as previously discussed with respect to Claim **2**.

Claim **35** is met as previously discussed with respect to Claim **2**.

Claim **36** is met as previously discussed with respect to Claim **3**.

With respect to Claim **37**, the claimed “a communication network; and a processor communicatively coupled to the communication network” is met by Ellis et al. that teach a communication network, i.e. the internet, and data storage facility 52 (*Fig. 1*). The claimed “said processor delivers via said communication network, a user interface; said user interface facilitating creation of a personal television channel; and said processor participates to establish the personal television channel on the television display” is met by Ellis et al. that teach the use of a program schedule database 54, located in the data storage facility 52, in providing a contributor of personal television channel programming a data collection application that facilitates the scheduling of the data for the personal channel and thereby provides scheduling information to a viewer (*Fig.2 and col.5, lines 6-12 and col.8, lines 37-49*).

The claimed “**and said processor pushes the personal television channel from a first location to a second location**” is met by Ellis et al. that teach the use of a data storage facility 52 in distributing personal television channel scheduling data to a number of 2nd locations, user equipment 34, being stored at a 1st location, at program schedule database 54 (*col.4, lines 19-37, 42-53; & line 59 to col.5, line 5*).

With respect to Claim **38**, the claimed “user interface is a web page” is met by Ellis et al. that teach the use of web page as an interface for a contributor to schedule programming on the personal television channel (*col.5, lines 12-14*).

With respect to Claim **39**, the claimed “a processor communicatively coupled to the communication network” is met by Ellis et al. that teach a set top box 62 coupled to a communication network, i.e. the internet (*Fig.1*). The claimed “a personal television channel viewable on the television display established through participation by said processor; **wherein said personal television channel is pushed to the television display from a remote location**; and a visual interface provided by said personal television channel to support selective consumption of the personal media from the storage on the television display” is met by Ellis et al. that teach set top box 62 and a television 72 used by viewers to receive broadcast & personal television programming channels, along with scheduling information for such channels that allow viewers to select personal programming and thus enable its retrieval from a server 128 located at a remote location in a variety of methods- including on-demand, a scheduled broadcast, and/or in real-time (*Fig.1, 3, & 8; col. 2, lines 65-67; col.3, lines 1-3; col.5, lines 33-35, 45-47; col. 7, lines 39-48; and col.8, lines 18-36col.10, lines 9-11 & 17-33; col.13, lines 54-55*).

With respect to Claim **40**, the claimed “wherein said visual interface is a graphical interface navigable by one or more of a remote control, a pointing device, and/or touch screen” is met by Ellis et al. that teach the use of an interactive television program guide in obtaining the channel schedule information provided on a television 72 on which information can be controlled by the use of a remote control, pointing device, touch screen, etc. (*col.5, lines 45-60 and col. 8, lines 50-67*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **4, 5, 14, 15, 24, & 25** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of **Moynihan (US Pat. Application Publication 2002/0056119)**.

With respect to Claim **4**, the claimed “comprising selecting said second television from a user interface of said first television” is met in part by Ellis et al. that teach the use of user equipment 34 (consisting of a television, set-top box, HDTV, Web TV, etc.) at a first location in creating content, i.e. video, for a personal channel to be viewed by user equipment 34 at a number of 2nd locations, as discussed above with respect to claim 1.

However, Ellis et al. does not teach the claimed “selecting said second television from a user interface of said first television”. Moynihan teaches a method of selecting viewers (2nd users) for the receipt of personal media created by a channel owner (1st user) from a user interface (*Fig.15 and paragraphs [0056, [0088], & [0089]*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moynihan with those of Ellis et al., in order to provide the creator of the channel the added option of selectively sending out a private television channel. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to provide a more efficient and secure manner in which to selectively broadcast a personal channel to a chosen recipient.

With respect to Claim **5**, the claimed “comprising selecting said second television from one or both of a list and/or a profile displayed on said first television” is met by Moynihan that teaches the listing of 2nd users, designated as viewers on the display of the 1st user, designated as the channel creator (*Fig. 15 and paragraph [0088]*).

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **24** is met as previously discussed with respect to Claim **4**.

Claim **25** is met as previously discussed with respect to Claim **5**.

9. Claims **6-8, 16-18, 26-28, & 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of **Zustak et al. (US Pat Application Publication 2002/0104098)**.

With respect to Claim **6**, Ellis et al. teaches the method of Claim **1** as discussed above. However, Ellis et al. does not teach the claimed “determining at least one identifier associated with one of said first television or said second television”. Zustak et al. teaches a system in which a channel of television programming, created by an individual subscriber, is transmitted to a number of subscribers by addressing the IP addresses of the set-top box, which may be integrated into a television set (322, 324, 326, & 328), at select locations (*paragraphs [0005], [0040], [0043], and Fig.3*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zustak et al. with those of Ellis et al., in order to provide a manner in which to identify individual subscribers on a communication network. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to give the creator of a private television channel the benefit of streamlining content to a selective group of viewers.

With respect to Claim **7**, the claimed “wherein said at least one identifier is one or more of a device ID, a serial number, a medium access control (MAC) address and/or an Internet protocol (IP) address” is met by Zustak et al. that teach the use of an IP address in selectively addressing individual subscribers for the receipt of personal programming (*paragraphs [0016] & [0043]*).

With respect to Claim **8**, the claimed “comprising establishing said private television channel between said first television and said second television based on said at least one identifier” is met by Zustak et al. that teach the transmittal of the personal media channel to individual subscribers, using IP addresses, on a real-time or an on-demand basis (*paragraph [0045]*).

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **26** is met as previously discussed with respect to Claim **6**.

Claim **27** is met as previously discussed with respect to Claim **7**.

Claim **28** is met as previously discussed with respect to Claim **8**.

Claim **34** is met as previously discussed with respect to Claim **8**.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 9:00 am – 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JORGE MENDOZA JR/
Examiner, Art Unit 2623

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